

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JAMONT JOSEPH,

Plaintiff,

v.

**9:12-CV-724
(FJS/CFH)**

**EDWARD FAGAN, Correctional Officer, Auburn
Correctional Facility,**

Defendant.

APPEARANCES

OF COUNSEL

JAMONT JOSEPH

06-A-3514

Southport Correctional Facility

P. O. Box 2000

Pine City, New York 14871

Plaintiff *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**

The Capitol

Albany, New York 12224

Attorneys for Defendant

DOUGLAS J. GOGLIA, AAG

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Hummel's March 21, 2013 Report-Recommendation and Order, in which he recommended that this Court grant Defendant's motion for summary judgment and dismiss Plaintiff's complaint with prejudice. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Hummel's March 21, 2013 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Hummel's March 21, 2013 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further


ORDERS that Defendant's motion for summary judgment is **GRANTED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: April 12, 2013
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge